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THE HONORABLE LONNY R.  
SUKO  
NOTED FOR CONSIDERATION ON:  
MONDAY, MAY 16, 2011  
WITHOUT ARGUMENT

8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF WASHINGTON  
10 AT SPOKANE

11  
12 EDWARD J. CARCICH and JENNIE  
13 VEGA-CARCICH,

14 Plaintiffs,

15 v.

16 CITIMORTGAGE,

17 Defendant.

No.: 10-429-LRS

MOTION FOR MORE DEFINITE  
STATEMENT

18 Pursuant to Federal Rule of Civil Procedure 12(e), defendant CitiMortgage  
19 respectfully requests that the Court employ measures to assure plaintiff's compliance with  
20 the federal rules. Specifically, CitiMortgage requests that the Court direct plaintiff to comply  
21 with Fed. Rule Civ. P. 8(a)(2) and (e)(1).

22 On or about December 9, 2010, plaintiffs Edward J. Carcich and Jennie Vega-Carcich  
23 filed a complaint against CitiMortgage alleging a multitude of violations of the Fair Debt

1 Collection Practices Act (“FDCPA”) along with violations of the Fair Credit Reporting Act  
2 (“FCRA”). (Docket No. 1).<sup>1</sup>

3 The complaint consists of 21 single-spaced pages, including 91 “counts” under the  
4 FDCPA, and is composed in large part, of immaterial, impertinent, and redundant  
5 information. Furthermore, Plaintiffs’ complaint is replete with argumentative assertions,  
6 legal conclusions, and a confusing mix of both. For example, Plaintiffs “contest whether and  
7 how [the loan agreement] was validated, and charged unlawful actions in an attempt to  
8 collect for an undisclosed third party, and false credit reporting of the alleged debt, in  
9 violation of the civil rights of the Carciches” and the FDCPA and FCRA (Docket No. 1, p.  
10 2).<sup>2</sup>

11 Plaintiffs also create causes of action. For example, the complaint contains over 70  
12 allegations that CitiMortgage violated some type of telephone call protocol by not  
13 “advis[ing] us of our civil rights and by not invoking the consumer warning ‘this is an  
14 attempt to collect a debt and any information will be used for that purpose.’” (*Id.* at pp. 4-  
15 19). Plaintiffs also make numerous claims against CitiMortgage for “overshadowing” (*Id.* at  
16 pp. 19-20).

17 For the reasons set forth more fully in CitiMortgage’s Memorandum of Points and  
18 Authorities filed contemporaneously with this Motion, the Court should require Plaintiffs to  
19 file an amended complaint that complies with the federal rules.

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24 <sup>1</sup> Although Plaintiffs filed their complaint on December 9, 2010, they did not serve the  
25 complaint on CitiMortgage until January 18, 2011 (Docket No. 14), and only did so after the  
26 Court entered an order directing service (Docket No. 11).

<sup>2</sup> Because Plaintiffs did not number their allegations or use pleading paper, CitiMortgage is  
unable to cite to these allegations with more specificity.

1 DATED: April 12, 2011

2 BULLIVANT HOUSER BAILEY PC

3  
4 By /s/ Charles A. Lyman  
5 Charles A. Lyman, WSBA #30495

6 Attorneys for Defendant Citimortgage  
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**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington that on April 12, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties of record.

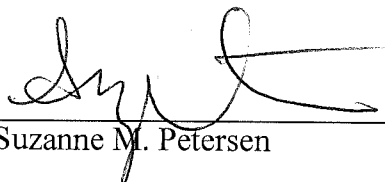
I further certify that the following parties received the foregoing document:

Edward J. Carcich  
Jennie Vega-Carcich  
7512 Big Meadows Road  
Chattaroy, WA 99003  
*pro se plaintiffs*

☒ via first class mail, postage prepaid.  
☐ via facsimile.  
☐ via hand delivery.

I declare under penalty of perjury under the laws of the State of Washington at Seattle, Washington, that the foregoing is true and correct.

DATED: April 12, 2011

By   
Suzanne M. Petersen

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